

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 19-cr-142-LM

Nathan Crague

SECOND PRETRIAL ORDER

1. Date of Trial: Trial will start following jury selection on **December 15, 2020**.
2. Estimated Length of Trial: Three days.
3. Case Summary: On or before **December 4, 2020**, the parties shall submit a joint, brief statement describing the case that the court will read to the jury during jury selection.
4. Deadline for Filing Motions in Limine: All motions in limine shall be filed on or before **November 27, 2020**; responses to said motions shall be filed on or before **December 4, 2020**.
5. Motions: To the extent there exists disputed legal issues that can be resolved before trial, the court will entertain these matters at a video status conference on **December 8, 2020**, at **9:30 a.m.** In the event the dispute requires detailed legal research, any written memoranda shall be filed on or before **November 27, 2020**, and responses shall be filed by **December 7, 2020**.
6. Voir Dire:

Online voir dire questionnaire (also referred to as the “supplemental voir dire”) shall be finalized by	November 23, 2020
Questionnaire will be sent to the jurors by	November 24, 2020
Deadline for jurors to respond	November 30, 2020
Answers will be provided to counsel	November 30, 2020 after 5 p.m.

Hearing on joint cause challenges shall occur by	December 10, 2020 To the extent the parties are willing to proceed via video, please notify the court's case manager so a video hearing can be scheduled.
Video conference to decide voir dire questions given to jurors orally on date of jury selection	December 8, 2020 at 9:30 a.m.


7. Jury Selection: See [Fed. R. Crim. P. 23, 24](#). Jury selection shall occur on **December 15, 2020**.

There will be a total of **eight** peremptory challenges for the United States and a total of **twelve** peremptory challenges for the defendant. Twelve jurors and four alternates (resulting in one additional peremptory challenges for each side above those provided by [Fed. R. Crim P. 24\(c\)\(4\)\(A\)](#)) will be seated. Alternates will be retained through deliberation.

8. Exhibits and Exhibit Lists: Exhibit lists are due **December 4, 2020**. Exhibits are to be premarked and submitted to the Clerk's Office on a thumb drive not later than **December 4, 2020**, in accordance with the document entitled "Procedure For Marking Exhibits" which is attached hereto and made a part hereof. Any objections to exhibits shall be set forth briefly in writing and filed with the exhibits. Counsel shall notify each other at the time the exhibits are submitted if any custodian will be required for any exhibit.
9. "Will-Call" Witness List: The parties shall exchange and file a list of witnesses they intend to call at trial at the time they pre-mark and submit exhibits. The parties will be bound by the witnesses disclosed in this list absent extraordinary circumstances.
10. Public Access: Public access to the trial will be via video (invite only). There will be no "overflow courtroom" unless there is a problem with the court's video software. The court will issue an order prior to trial addressing the legal issues concerning public access.
11. Reserved Seating in the Courtroom: Unless the court limits the numbers permitted in the courtroom due to the spread of Covid-19, each side will have three (3) reserved seats in the public gallery of the courtroom. The general public will have three (3) additional seats that will be assigned on a "first come, first serve" basis.

12. Electronic Evidence: JERS shall be used in this case. The parties are directed to the United States District Court's policy regarding electronic evidence which applies in this case. See Presenting Electronic Evidence to Deliberating Petit Jurors located at <http://www.nhd.uscourts.gov/jury-evidence-recording-system-jers>. JERS exhibits are due by **December 4, 2020**.
13. Disclosure: The United States has represented that its Brady and Jencks disclosures have been made, and defense counsel are satisfied with those disclosures.
14. Efficient Use of Jury Time: To the extent possible, counsel shall anticipate and notify the court of any evidentiary disputes that can be discussed outside the presence of the jury. The court intends to utilize jury time in the most efficient manner possible. **This is especially true during this pandemic.** The court will give counsel an opportunity to alert the court at each break at the beginning and end of each day of trial. The court will meet with counsel at least one-half hour before the trial is scheduled to begin each day of trial. The court will be flexible about scheduling hearings via video to resolve disputes in advance of the trial. Trial will begin everyday at 9:00 a.m. and end each day by 4:00 p.m.
15. Confirm Date and Time of Jury Selection: In order to utilize the court's resources to the fullest extent and keep counsel informed as to their status on the trial list, counsel are directed to call Courtroom Deputy Donna Esposito at 225-1623 to confirm the date and time of jury selection.

SO ORDERED.



Landya McCafferty
United States District Judge

Date: November 5, 2020

cc: Counsel of Record
U.S. Probation
U.S. Marshal